

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

HELEN MARIE QUINN,

Plaintiff,

v.

KILOLO KIJAKAZI,
Acting Commissioner of Social Security,

Defendant.

Case No. 1:22-cv-12558

Honorable Thomas L. Ludington
United States District Judge

Honorable Curtis Ivy, Jr.
United States Magistrate Judge

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING APPELLANT'S
MOTION TO APPOINT COUNSEL, AND DISMISSING CASE**

On June 6, 2023, Magistrate Judge Curtis Ivy, Jr., issued a report recommending that the case be dismissed for failure to prosecute. ECF No. 21. Judge Ivy provided 14 days to object, but the parties did not do so.¹ They have therefore forfeited their right to appeal Judge Ivy's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). There is no clear error in the report.

Accordingly, it is **ORDERED** that Judge Ivy's Report and Recommendation, ECF No. 21, is **ADOPTED**, that Plaintiff's Motion to Appoint Counsel, ECF No. 22, is **DENIED**, and that the above-captioned case is **DISMISSED WITHOUT PREJUDICE** under Civil Rule 41(b).

Dated: June 27, 2023

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

¹ On June 1, 2023, Plaintiff filed a motion for court-appointed counsel because no retained counsel would accept her case. ECF No. 22. But a civil litigant has no constitutional right to the appointment of counsel, and such an appointment is justified only in "exceptional circumstances." *Lavado v. Keohane*, 992 F.2d 601, 606 (6th Cir. 1993). While it is unfortunate that Plaintiff has encountered challenges in securing willing counsel, it is a fairly common circumstance.